

ROLL CALL

Rose Ann Barrick
Jerry Petzel, President
Jerome Markley
James Schwarzkopf
Keith Masterson

Michael Lautzenheiser, Jr., Secretary

President, Jerry Petzel, called the June 28, 2011 meeting for the Board of Zoning Appeals to order at 7:00 p.m. five members answered roll call.

Jerome Markley questioned a “?” that was in the last meeting minutes. It was explained to him that it should have been Sell-off and will be changed.

James Schwarzkopf made a motion to approve the minutes from the May meeting. Keith Masterson seconded the motion and the minutes were approved by a 5-0 vote.

NEW ITEM:

B11-06-10 JACKSON TWP SE/4 14-25N-10E B & K Auto Parts, Inc. request approval of a non-conforming use for 50 X 80 accessory structure. Property located at 8681 SE Jeff Rd-90 Warren, IN 46792 and zoned A-1.

Greg Waters appeared representing B & K Auto Parts, Inc, for the approval of a new storage building for salvage of car parts. It would strictly be for employees use for storage of parts. There would not be access to the building by the public.

Richard Baumgartner, owner of B & K Auto Parts, Inc, explained that the location of the new structure would be larger, but would be located within 8” of where the previous structure was. He stated that it would be within the side setback. However, he is the owner of the neighboring property and that is where the previous building was located.

Conditions: None

Motion: James Schwarzkopf

Second: Keith Masterson

Vote: 5-0

B11-06-09 ROCK CREEK TWP., NW/4 32-27N-11E Rock Creek Investors to be considered for a special exception to allow a permanent location for a ready mix plant in a A-1 zone. Property is located at 0781 N 500 W Bluffton, IN 46714.

Darren Johnson, owner/operator of Rock Creek Materials, presented his request to make the temporary ready mix plant a permanent plant.

Michael stated that this petition was the first step in a two step process. If this Special Exception for the permitted use, is granted then a Development Plan would need to be presented. He also stated that there was a previous petition filing for Rezoning to change from A-1 to I-2 for both the stone quarry and the new plant, but that was denied by the Plan Commission.

Darren Johnson stated that only the ready mix plant and the stone quarry are at the location. He provided a copy of a letter from Ed Herman, from the Wells County Highway Dept, that stated the approved haul route on County Road 500W from S.R. 124. He stated that the company had upgraded the road.

Matt Subler, Berne Ready Mix, stated that the flow of traffic into and out of the plant is sporadic. There could be 2-3 days a week were there could be up to 15 trucks on average, during the 16 month operation. He stated that there are fewer trucks during the winter months due to the temperature.

Gary Mounsey, a neighbor to the location, stated that the noise the trucks produce and their "Jake Braking" is a nuisance. Along with the fact, that the trucks speed is a hazard. He also stated that early on, the trucks were driving in his yard. Recently, a truck left a pile of dirt in his yard. His concern is with future business that may come into the area that would create more traffic and lower property value.

Dolores Wilson, a neighbor to the location, stated that this year, so far, that the noise has been better. However, the dust and dirt are still a problem to the community of Rockford. She stated that she has lived in the area for about 25 years. Her concern is with the future development of the company in this area.

Michael explained the special exception section of the ordinance.

Gary Mounsey stated that he has had troubles with the larger trucks crushing the culvert tiles near the intersection of 500 W and SR 124. Also, he said that there is no speed limit sign posted, just a yellow 30 MPH caution sign. He would like a slower limit to actually be posted.

Michael stated that, on the board's behalf, there could be a letter generated to the Wells County Commissioners for a reduced speed limit sign to be posted and a no "Jake Braking" sign.

Jerome Markley verified with Keith Masterson that with the addition of a letter to the Wells County Commissioners that he would still make the motion. The motion is approved with the letter. Michael stated that he would speak with the APC attorney about the language and generated the letter, which will then be emailed to the board members, Darren Johnson, Matt Subler and the neighbors that were present.

Conditions: None

Motion: Keith Masterson

Second: Jerome Markley

Vote: 5-0

B11-06-12 LANCASTER TWP., NE/4 9-27N-12E Daniel M. Price Jr. requesting a variance to reduce sideyard setback for a 80 X 140 accessory building from 20' to 12'. Property located at 4778 N St Rd 1 Ossian, IN 46777 in a A-1 zone.

Daniel Price Jr. requesting a variance to reduce the side yard setback from 20' to 12'. He also owns the property that is south of the location where the structure will be built. He stated that due to the driveways and the other buildings, there would not be enough room to move the building further back out of the side yard setback.

Conditions: None

Motion: Rose Ann Barrick

Second: James Schwarzkopf

Vote: 5-0

B11-06-13 LANCASTER TWP., SE/4 27-27N-12E Lorens Body Shop, Inc. requesting expansion of non-conforming use for the existing Auto Body Repair Shop at 243 East Dustman Rd. Bluffton, IN 46714. Property is zoned R-1.

Greg Lobsiger, owner of Lorens Body Shop, Inc, presented his request to add an addition between the two existing structures on the property. He stated that the current area where the structure will be is a gravel lot. Therefore, the overall foot print would not increase. The addition would be used as a priming bay to follow EPA guidelines. The addition would keep more cars inside rather than being located outside the facility.

Conditions: None

Motion: James Schwarzkopf

Second: Jerome Markley

Vote: 5-0

B11-06-11 HARRISON TWP., NE/4 4-26N-11E David Pietz requesting a variance for a Porch that exceeds 8'ft into the required setback at 110 S. Union St. Bluffton , IN 46714. Property is zoned R-2.

David Pietz was not present at the meeting.

The board discussed the location of the porch and the street right of way.

Conditions: None

Motion to Continue: Rose Ann Barrick

Second: Keith Masterson

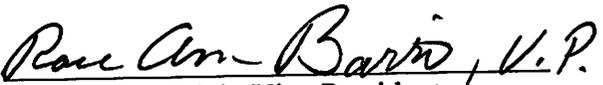
Vote: 5-0

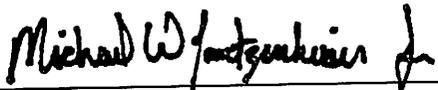
Discussion:

Michael stated that if David Pietz was not at the next meeting, that two continuances are the maximum allowed. Then, the third would be an automatic denial.

ADVISORY:

James Schwarzkopf made a motion to adjourn the meeting. Rose Ann Barrick seconded the motion and the motion passed with a vote of 5-0. The June 28, 2011, meeting of the Board of Zoning Appeals adjourned at 8:15 p.m.


Rose Ann Barrick, Vice President

ATTEST: 
Michael Lautzenheiser, Jr., Secretary